IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7604 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT
and
Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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TRILOK KUMAR VED

Versus

UNION OF INDIA

Appearance:
MR PR NANAVATI for the Petitioner.
MR JC SHETH for Respondents- absent.

CORAM : MR.JUSTICE J.N.BHATT
and
MR.JUSTICE KUNDAN SINGH

Date of decision: 17/06/2002

ORAL JUDGEMENT

(Per : MR.JUSTICE J.N.BHATT)

In this petition under Articles 226 and 227 of the Constitution of India, the only short question

which has been raised for our consideration and adjudication is as to whether the disqualification of a candidature from the consideration of the test of a ticket collector and recorded by the respondent authorities and on being challenged before the Central Administrative Tribunal, Ahmedabad Bench in O.A. No. 385 of 1997 by invoking the aids of the provisions of Section 19 of the Act could be said to be in any way vulnerable, to which our answer, after having given our anxious considerations and thoughts to the facts of the present case emerging from the record is positively in the negative.

2. A few skeleton projection of facts may be stated for the limited purpose of examining merits of the impugned order of the Central Administrative Tribunal dated 15.5.1998. The petitioner before us was an employee of Union of India working with Western Railway. He was called for a written test for the post of ticket collector to be held on 12.1.1997 pursuant to his application and he was allotted centre at Gyanjyoti Vidyavihar, Ghatlodia near to his residential premises. The petitioner alleged that as he was required to go to see his alining relative in Vasna area and on account of his compelling circumstances, he could not return to his house in the night and, therefore, it was not possible for him to reach in the morning on 12.1.1997 in the scheduled centre of examination. He further alleged that the centre was changed after undergoing necessary formalitie. Of course, the petitioner was declared pass in the written examination. Subsequently, he was also called for oral interview. Thereafter, the selection board found that the petitioner was absent at the scheduled centre of examination and appeared at another centre at Ghatlodia without requisite permission. Therefore, the petitioner was held to be disqualified for being considered for the said post.

3. The petitioner thereafter, as stated hereinbefore, approached the Central Administrative Tribunal and carried the order of the respondent authorities unsucessfully in the Original application and also failed in his Review Application before the Tribunal. That is how the petitioner has filed the present petition invoking the provisions of Articles 226 and 227 of the Constitution of India.

4. We have examined the threadbare the reasons given by the authority and the Tribunal in its decision which is under challenge before us. Nothing has been, successfully, shown which would even remotely

suggest that the impugned order is, in any way, vulnerable. The instruction no. 1 for invigilators reads as follows:

" Candidates having call letters with photograph only should be permitted in the examination hall. If photograph is lost, the candidates should bring a fresh photograph and the invigilators should sign on the photograph and such a call letter should not be returned to the candidates but should be sent alongwith the attendance sheet to the office."

5. Not only that, the petitioner was also in his call letter pointed out the said instruction no.1. The Chairman, Railway Recruitment Board (RRB) has specifically denied the explanation mentioned in the petition. It is also reiterated by him in his affidavit-in-reply and also in the re-joinder that the petitioner appeared, at Sarkhej road, centre instead of scheduled centre at Gyanjyot Vidyamandir with malafide intention. The findings of facts recorded upon scrutiny and analysis by the Tribunal are quite justified and we are fully satisfied that there is no fit and appropriate case for interference in exercise of extraordinary, prerogative and discretionary powers under Articles 226 and 227 of the Constitution of India and therefore, the only fact this petition msut meet with is the rejection. Accordingly, it is rejected with costs. Rule is discharged.

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